

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LUTHER NORMAN WHALEY,

Defendant.

CR 22-02-BU-DLC

ORDER

Before the Court is United States' Unopposed Motion for Preliminary Order of Forfeiture. (Doc. 34.) Defendant Luther Norman Whaley has been adjudged guilty of brandishing a firearm in furtherance of a crime of violence, in violation of 18 U.S.C. § 924(c)(1)(A)(ii), as charged in Count II of the Indictment. (Doc. 36.) As such, there is a factual basis and cause to issue an order of forfeiture, pursuant to 18 U.S.C. § 924(d).

Accordingly, IT IS ORDERED the motion (Doc. 34) is GRANTED.

IT IS FURTHER ORDERED that Whaley's interest in the following property is forfeited to the United States in accordance 18 U.S.C. § 924(d):

- Mossberg, model 88 Maverick, 12 gauge shotgun, serial number MV86571H; and
- 7 rounds of 12 gauge ammunition.

IT IS FURTHER ORDERED that the Bureau of Alcohol, Tobacco,

Firearms, and Explosives or a designated sub-custodian is directed to seize the property subject to forfeiture and further to make a return as provided by law.

IT IS FURTHER ORDERED that the United States will provide written notice to all third parties asserting a legal interest in any of the above-described property and will post on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, notice of the Court's Preliminary Order and the United States' intent to dispose of the property in such manner as the Attorney General of the United States may direct, pursuant to 18 U.S.C. § 982(b)(1) and 21 U.S.C. § 853(n)(1), and to make its return to this Court that such action has been completed.

IT IS FURTHER ORDERED that upon adjudication of all third-party interests, if any, the Court will enter a final order of forfeiture pursuant to 21 U.S.C. § 853(n)(7) and Fed. R. Crim. P. 32.2(c)(2), in which all interests will be addressed.

DATED this 14th day of October, 2022.



Dana L. Christensen
United States District Court